

Working Group review has been completed the request and recommendation of the SNPLMA Division/Working Group will be forwarded to the Executive Committee for a final decision.

The Executive Committee will review and approve the following:

- Major modifications to project scope (e.g., reductions in scope of 40% or more, addition or reduction in acreage that impact resources being acquired or alter rights to be acquired, change in rights to be acquired from nomination (e.g., reduction of mineral rights)
- Time extensions more than of two years total over the life of the project.
- SAR/BRA requests exceeding \$250,000.00 or 5% of the Secretarial approved project budget.
- Requests for waiver of SNPLMA business rules outlined in the Implementation Agreement.

The standard operating procedure for the Executive Committee will be to provide a decision within two weeks from the date of a *complete* submission from the Working Group.

The Executive Committee is the only group which may deny a time, scope, or financial modification request.

All Executive Committee decisions will be made by a majority vote of the group and must be documented in the form of an Executive Committee decision memorandum, which details the project background, the justification(s) for the request, and the decision; this document will be signed by the Executive Committee Chair. Notification of the decision will be sent to the Working Group and SNPLMA Division. The original signed document will be provided to the SNPLMA Division and will be maintained in the project file.

SNPLMA Division Processes Amendment to the IGO/Task Order, Documents Modifications for Projects Under Transfer

When the SNPLMA Division, Working Group, or Executive Committee approves an amendment request as described above, the SNPLMA Division will process an amendment to the IGO/Task Order. Modifications to IGOs/task orders will be processed in the same manner as the initial IGO/task order. For projects funded by transfer, the SNPLMA Division will provide written notification to the agency of the approval. All agencies/entities will be advised in writing regarding any request which is not approved.

XII. ADDITIONAL GUIDELINES BY PROJECT CATEGORY FUNDED EITHER BY THE OBLIGATION/ REIMBURSEMENT PROCESS OR THE TRANSFER PROCESS

Sections IX and X above explain the overall obligation and reimbursement process and the modification approval process for approved projects in all categories. The information below is project category specific. Each section below provides additional information on necessary expenses, terms, conditions, and rules regarding funding and implementation of projects within

the named category. This section should be reviewed closely as familiarity with these business rules will help agencies/entities avoid difficulties in funding an implementing projects.

Land Acquisition Projects

A. Acquisition Necessary Expenses. Following the necessary expense doctrine, all authorized necessary acquisition costs will be reimbursable regardless of whether or not the acquisition is completed and are not limited to specific case management activities as in the past. These expenses are identified in Appendix A and on the Estimated Necessary Expense Form (Appendix B-1) for SNPLMA acquisitions and the checklist of Other Necessary Expenses (Appendix B-8). Agencies shall submit quarterly reimbursements for acquisitions under IGO/task order to recover necessary expenses incurred over logical stages of the acquisition project.

B. FLTFA Acquisition Allowed Costs: Currently payroll costs and other necessary expenses are not allowed for FLTFA acquisitions under the National FLTFA MOU. Please refer to the Estimated Cost Form (Appendix B-2) for allowed costs for FLTFA acquisitions. At such time as the National FLTFA MOU is revised to allow for expenditure of FLTFA funds for payroll and other such necessary expenses, the policies and procedures outlined herein for necessary expenses will be applied to FLTFA acquisitions as well without further approval by the Executive Committee. The affected agencies will be notified in writing should this occur.

C. Acquisition Time Frame. Issuance of an GO for the acquisition starts a two-year clock within which the acquisition is to be completed. If more time is required the agency must (a) request a time extension, subject to the provisions of Section D above; (b) request the acquisition be placed “on-hold,” subject to the provision of Section E above; or (c) at the agency’s option, request that the acquisition be terminated and re-submit it in a subsequent nomination round if deemed appropriate. Failure to agree on price following receipt of a federally approved appraisal and delivery of a written offer to the owner is not, in and of itself, sufficient justification for a time extension.

D. Acquisitions On Hold. Generally failure to agree on the purchase price will not qualify an acquisition to be placed on hold unless the acquiring agency can present a reasonable expectation that negotiations will result in a price agreement.

E. Acquisition Change in Scope. Lands and/or interests in land are evaluated, scored, ranked, and approved by the Secretary based on their resource values and public benefit. Changes in the acreage, parcels, or rights to be acquired could dramatically impact the resource values on which the ranking and approval were based. Any such changes should be identified and submitted in writing as a request for a change of scope to the SNPLMA Division prior to or at the time a task order is requested, if possible, or as soon as circumstances develop which would prevent acquisition of the property as nominated and approved. The request for change in scope must include a description of the change in acreage, number of parcels, and/or rights being offered, and an explanation of how the changes impact the resource values on which approval of the acquisition was based.

If the resources are negatively impacted or measurably reduced, or the changes otherwise significantly alter the nature of the acquisition approved by the Secretary, the acquisition may be

subject to termination as determined by the Executive Committee. The SNPLMA Division will review the request for change of scope and process it in accordance with the Approval and Threshold process described in section X.G. above.

F. Acquisition Appraisal Cost. The SNPLMA Special Account will pay the cost of one federally approved appraisal. If the agency has owner agreement on price but, despite its best efforts, the acquisition cannot be completed before the appraisal expires, with advance approval, the SNPLMA Special Account will also pay the cost of one update of the original appraisal if carried out by the same appraiser. Failure to agree on price or obtain the owner's decision regarding the offered price resulting from the original appraisal is not justification for SNPLMA to pay for an update to that appraisal or a second appraisal. Except as stated above, the cost of any additional appraisals or updates sought by the acquiring agency, regardless of the reason, will be paid by the agency. This policy applies to all approved acquisitions which were not yet been completed or terminated as of November 7, 2003, the date this policy was approved by the Executive Committee. Notwithstanding this policy, the Executive Committee reserves the right to waive this policy and authorize a second or updated appraisal due to extraordinary extenuating circumstances. Requests for a waiver of this policy are to be submitted in writing to the SNPLMA Division program manager and must include a full discussion of the circumstances and justification for the waiver.

G. Acquisition Mineral Study Costs. There is an increasing occurrence of nominations of patented mining claims and properties which include mining claims. There have also been occasional occurrences of nominations where a third party has retained ownership of mineral rights. Certain mineral valuation situations may be addressed by obtaining a mineral potential assessment report which also addresses market feasibility although it does not specifically determine a value for the minerals. If the acquiring agency believes such a report is appropriate and necessary, the cost of the mineral potential report will be reimbursed. The SNPLMA will not pay the cost of mineral exploration in order to provide detailed drilling and testing data necessary to value mineral rights. Such exploration is the responsibility of the owner or mining claim holder.

H. Acquisitions with Third-Party Reserved or Owned Mineral Rights. Agencies are generally expected to acquire lands and interests in land which include all subsurface rights, where subsurface rights are retained by an agency of the Federal government, or where no third party has, or could acquire, development rights for subsurface minerals retained by a third party. If there are third-party mineral rights, agencies should conduct appropriate risk assessments in accordance with agency policy to be able to support a decision to purchase or not purchase.

Parks, Trails, and Natural Areas

The Park, Trail, and Natural Area (PTNA) category is inherently intended to fund outdoor projects aimed at accomplishing the strategic goals below. The PTNA category is not intended to fund capital improvement-type projects where the primary goal of the nomination is construction, renovation, or expansion of buildings (e.g., museums, schools, office or administrative buildings, theaters, auditoriums, etc.). However, funding may be provided for PTNA projects which, due to the nature of the project, require incidental building construction

(e.g., restrooms, maintenance sheds, group picnic shelters, shade structures, small visitor greeting areas, etc.). In addition, funding may be provided for PTNA projects which include, or where the primary purpose is, more significant building construction, such as a visitor center with nature displays tied to the park's theme, when the proposed building is deemed an integral part of a larger PTNA project and critical to accomplishing the goals of that larger project.

A. PTNA Project Perpetual Ownership, Management. In addition to perpetual ownership of acquired land and interests in land, the SNPLMA Assistance Agreements between the BLM and the local and regional governmental entities requires that the governmental entities own and maintain in perpetuity any facilities, trails, or other features which are constructed using SNPLMA funds. This requirement does not prohibit the governmental entities from entering into agreements with third parties to perform necessary and appropriate maintenance of SNPLMA funded PTNA projects. Such agreements, however, cannot give or otherwise transfer ownership of the SNPLMA-funded PTNA project or project elements to a third party nor can such agreements abdicate the local or regional governmental entities' ultimate responsibility for such maintenance.

B. Short-Term PTNA Projects. Certain relatively low cost, short-term PTNA projects with an intended life of 10 years or less (such as an equestrian dirt trail with signage in an existing road right of way not yet needed for road construction or widening) may be nominated and considered for funding based on less than perpetual ownership and maintenance. This would not be an option if SNPLMA funds were used to acquire the land, easement, or right of way for construction of such a project. Such project nominations must clearly state the intended minimum life of the project, why the project must be considered for a short term use rather than use in perpetuity, and justify the estimated cost to value to the government for the use of SNPLMA funds over the intended life of the project. Such projects, if approved, would not require reimbursement to SNPLMA if and when the project is decommissioned at or after the minimum life specified in the nomination.

C. Section 106 Consultation. If Section 106 Consultation under the National Historic Preservation Act is required for the project, a copy of the report signed by the Nevada State Historic Preservation Office (SHPO) must be submitted with the final reimbursement package or sooner if appropriate.

D. PTNA NEPA. If NEPA is required for the project, a copy of the NEPA documentation and findings/record of decision shall be provided as part of the final reimbursement package or sooner if appropriate.

E. Reimbursements Under Cooperative Agreements for PTNA Projects. Federal regulations (43 CFR §12.61) states that reimbursement shall be the preferred method for payment of funds to local and regional governmental entities under a cooperative agreement. Local and regional governmental entities shall submit quarterly reimbursement requests for Park, Trail, and Natural Area projects including required documentation as outlined in Appendix H-3. Small projects for which quarterly reimbursement is not practical or cost effective may be submitted upon completion of the project as documented in the task order.

Advance Payments to Meet Immediate Needs. Advance payment of funds under cooperative agreements is allowed only when the receiving entity is able to demonstrate that the time elapsing between payment of funds by BLM and initiation of disbursement of the funds by the entity shall be minimized in accordance with Treasury regulations in 31 CFR Part 205. The referenced Treasury regulations state that advance payments shall be made no more than three (3) business days before the date the entity issues a disbursement by check or electronic funds transfer payment. Local/regional entity budgetary limitations may create situations where the entities need to request advance payment of funds in order to pay large expenses for which they have insufficient capital (e.g., purchase price of a land acquisition, large construction contract payment). Any such situations will be addressed on a case by case basis where the local/regional entity shall coordinate with the SNPLMA Division to determine (a) if advance payment of funds is appropriate, (b) appropriate documentation to be submitted as evidence that the payment is due and the entity is able to disburse funds within no more than 3 business days, and (c) documentation to be submitted showing that the disbursement was made within 3 days of receipt as required.

D. PTNA Acquisition of Land & Interests in Land. SNPLMA Special Account funds may be provided for acquisition of lands or rights in land, including easements or rights of way, necessary to develop parks, trails, and natural areas by local and regional governmental entities. SNPLMA will reimburse no more than the fair market value of the land or right in land as determined by an appraisal prepared consistent with the Uniform Standards for Professional Appraisal Practices and Uniform Appraisal Standards for Federal Acquisitions. The Executive Committee maintains the right to require that the appraisal be reviewed for adherence to these standards by a qualified appraiser with the Department of Interior Appraisal Services Directorate, especially in the case of high value acquisition of land and interest in land. Acquisitions for PTNA projects require a willing seller. No reimbursement will be made for any PTNA acquisition of land or interest in land made by condemnation or under the threat of condemnation. A willing seller letter must be provided with any nomination of acquisition of land and major rights of way for a PTNA project. Incidental rights of way acquisitions which become necessary for completion of approved PTNA projects also require a willing seller letter, but the willing seller letter can be provided with the request for reimbursement. No reimbursement for such acquisitions will be made without presentation of the willing seller letter.

PTNA Acquisition Perpetual Ownership. The deed for land acquired with SNPLMA funds must contain a nonrevocable restrictive covenant satisfactory to the BLM and the Regional Solicitor that requires the local or regional entity to utilize the land for the intended purpose in perpetuity. The requirement for a restrictive covenant does not apply to small, incidental right of way acquisitions necessary to complete access and signage for trail projects. Local and regional governmental entities are also required to maintain ownership for the intended purpose of other rights in land even though use of a restrictive covenant to that effect may not be practical. Reimbursement documentation requirements for land and in lands for development of parks, trails and natural areas can be found in Appendix H-2.

PTNA Land Acquisition Appraisals. Local/regional governmental entity's are required to obtain an independent appraisal of lands and rights in land to be acquired for PTNA projects. The appraisal must be prepared in compliance with the Uniform Standards of Professional

Appraisal Practices (USPAP), Federal Appraisal Standards, and local/regional governmental entity regulations. The entities also must have the appraisal reviewed by a qualified appraisal professional. The review can be completed by a qualified employee or the review can be completed by a contracted independent professional appraiser. The review must be completed according to USPAP and Federal Appraisal Standards for review reports. The review appraiser's qualifications are to be included as a part of the review report. The Executive Committee reserves the right to require review of the appraisal for high dollar acquisitions by the Department of Interior Appraisal Services Directorate for compliance with the required appraisal standards.

PTNA Valuation of Low Cost Acquisitions. Entities may utilize a summary or modified valuation report if the property was valued below \$2,500. Such summary report must include an approval signature and documentation signifying that the simplified valuation was reviewed and approved by appropriate management official within the local/regional governmental entity. Values determined in this manner must be reasonably supported. [This change is consistent with BLM acquisition policy.]

PTNA Title Insurance for Acquisitions. Entities must provide a copy of a Title Insurance Policy for land acquisitions (but not for incidental ROW acquisitions) and a Statement of Assurance from the entity that it has reviewed all exceptions in the policy to which the property is subject and there are no restrictions or encumbrances specified in the policy that would prohibit the property from being used for its intended purpose.

PTNA Phase I Hazmat Study for Acquisitions. A copy of the Executive Summary, Conclusions, and Recommendation sections of a Phase I Environmental Site Assessment (ESA) completed according to current ASTM standards must be obtained for all land acquisitions (but not generally for incidental ROW acquisitions). The Phase I ESA must be reviewed by a qualified professional either employed by the entity or hired by the entity, where the review confirms that there are no recognized environmental conditions (RECs) on the property which would negatively impact the intended use or prohibit the intended use of the property. If the Phase I report identified RECs, the entity must have obtained and provide the same sections of a Phase II Environmental Site Assessment as part of the reimbursement request package. If the Phase II confirms the presence of hazardous materials requiring clean-up under Federal, State, or local laws and regulations, a Phase III clean-up plan must have been developed and carried out and copies of the applicable sections of the Phase III provided to the BLM. Following clean-up the City must have received certification from the Nevada Department of Environmental Protection (NDEP) that the clean up has been completed and no further action is required. A copy of the NDEP letter must be included in the documentation provided to the BLM. These ESA requirements must be met before acquisition of the property is completed in order to obtain reimbursement from SNPLMA.

PTNA Relocation Assistance for Acquisitions. A description of the determination regarding the applicability of relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (49 CFR Part 24, Final Rules Effective February 3, 2005). (See Appendix M for a Sample Relocation Assistance Assessment Under the Uniform Act from the BLM Acquisition Manual H-2100-1). Attached as Appendix The description should include an

explanation of the circumstances of the acquisition and explain whether or not any displaced persons as defined in the regulations were impacted and, if so, what action was taken to provide relocation assistance. Relocation assistance determinations are to be made, and resolution regarding providing such assistance, prior to completion of the acquisition.

Capital Improvements

In prior years, large, multi-million dollar, multi-year capital improvement projects could be carried out under multiple IGOs/task orders where each task order had a well-defined, tangible end product(s) and each would be reimbursed separately upon completion of the product specified in the task order. Capital Improvements, like all other categories, is now eligible for periodic reimbursements at logical stages of the project, generally considered to be quarterly, throughout the life of the project. Therefore, multiple IGOs/task orders will no longer be issued for Capital Improvement projects. Documentation will be required for reimbursement of necessary expenses for Capital Improvement projects funded through IGOs or Task Orders (see Appendix H-1).

MSHCP Development Projects

In Rounds 2 and 4, MSHCP Development Projects were funded by issuing one or two task orders against one Clark County Cooperative Agreement to cover all approved projects. Beginning with Round 6, the MSHCP project category will receive funds on a per project basis, as do the other project categories. In addition, master cooperative agreements are no longer allowed, so each approved project will be funded through its own cooperative agreement (assistance agreement). Partial reimbursements will be on a quarterly basis or other logical stage of the project as established in the agreement or in coordination with the SNPLMA Division to manage unforeseen circumstances. The governmental entity will submit required reimbursement documentation, progress reports, invoices, etc. (see Appendix H-4).

If a MSHCP Development Project will involve ground disturbing activities that will trigger the provisions of Sec. 106 of the National Historic Preservation Act, required consultations must be carried out and a copy of the report signed by the Nevada State Historic Preservation Office (SHPO) must be submitted with the final reimbursement package or sooner if appropriate.

Conservation Initiatives

Partial reimbursements will be on a quarterly basis, or other logical stages of the project as established in the IGO/Task Order. The agency or governmental entity will submit required reimbursement documentation, progress reports, invoices, etc. (see Appendix H-5).

Regarding Inter-Agency Conservation Initiatives where each participating entity receives its own IGO/task order, the first IGO/task order must be requested within one-year following notification of availability of funds. All IGOs/task orders associated with an inter-agency Conservation Initiative project must be submitted within the budgetary time frame established in the nomination package approved by the Secretary. Documentation to open an IGO/task order for an inter-agency Conservation Initiative project shall include an explanation of how the available

funds and project tasks will be divided among the involved agencies, a time-line for completion of the project tasks to be performed by the requesting agency, and a time-line for completion of the project as a whole. Each agency must request a separate IGO/task order for those project tasks for which it will be responsible and each agency will be assigned a separate project number for its part of the project.

A lead agency shall be established for inter-agency Conservation Initiative projects among the agencies involved, with the named lead agency being responsible for certifying overall progress and satisfactory completion of the project as a whole in coordination with the SNPLMA Division's Conservation Initiative Program Manager. Each agency involved in the inter-agency project will be responsible for submitting the required documentation relative to the tasks to be performed under its Task Order, including status/progress reports, in order to obtain reimbursement for allowed costs associated with its project tasks as outlined in the Task Order.

Lake Tahoe Restoration Projects

The process for obligation and reimbursement for Lake Tahoe Restoration Projects essentially mirrors the process for the other SNPLMA project categories (Figure 3 above) with a few differences. Program and implementation responsibilities will be under the BLM oversight as authorized in the SNPLMA. The responsibilities for administration and financial management of SNPLMA funds approved for Lake Tahoe will be with the BLM in accordance with Section 4(e) of the SNPLMA. The BLM's contracting officer's representative (COR), previously at the Nevada State Office, is now located in the SNPLMA Division and is responsible for processing task orders and reimbursement requests, and financial reporting. Lake Tahoe Estimated Expense Sheets are located in Appendix B-8. Documentation requirements for requesting an IGO and for reimbursement of Lake Tahoe projects is located in Appendix H-6).

The BLM may consider contracting with the USDA Forest Service or others, if authorized, to provide oversight and administrative functions which may include, but not be limited to:

- Administer and support the TWG and LTFAC by organizing meetings, preparing reports, facilitating the development of the Preliminary Recommendation Package and Lake Tahoe Restoration Projects Package and other administrative needs of the TWG and LTFAC;
- Organize the TREX review;
- Administer the public comment period, including any notice requirements, for the Lake Tahoe Restoration Projects Package, and ensure its timely delivery to the TREX and subsequent submittal to the Executive Committee for the Final Recommendation; and
- Coordinate and consult with the LTFAC, Tahoe Regional Planning Agency, Lake Tahoe Transportation and Water Quality Coalition, States of California and Nevada, federal agencies and other parties interested in the use of Tahoe SNPLMA funds.

A. Memorandums of Understanding with Tahoe Participating Federal Agencies

Memorandums of understanding (MOU) are executed for each participating Federal agency. Each agreement is a tri-party agreement executed by the BLM, the USDA Forest Service, and the participating Federal agency. The BLM signs based on its implementation, oversight, and financial management responsibilities for the SNPLMA Special Account. The USDA Forest Service signs in its role as representing the Secretary of Agriculture and recipient of funds pursuant to Appropriations Act 108-108 as well as in its role as the entity responsible for inspection and acceptance of projects as qualified restoration projects under the applicable laws. Finally, each participating agency signs the MOU in order to create the mechanism by which funds can be provided to these agencies for performance of the projects in accordance with Appropriations Act 108-108.

B. Reprogramming of Tahoe Funds from Primary to Secondary Approved Projects

The approved funding available for Lake Tahoe projects in each SNPLMA round may be reprogrammed from the Primary Category to the Secondary Category in the event that a project(s) in the Primary Category becomes infeasible or actual costs are less than estimated costs. In cases where actual costs for any given project in either the Primary or Secondary Category exceed the amount approved by the Secretary, any funds available from the current approved round as a result of other projects being terminated or actual costs being less than estimated may be made available to cover the higher than expected costs for other projects. In such cases as these, the PCT shall notify and present the issue to the Tahoe Regional Executive Committee (TREX) for final approval. Cost overruns may also be covered by requesting and gaining approval of additional funds for the project in a future round.

Any approved funds that remain from a given round shall be carried over and available for the next round of approvals for Lake Tahoe Restoration Projects. If circumstances warrant, funding for cost overruns for Lake Tahoe Restoration Projects may be requested from the SNPLMA Special Account Reserve where such requests must be approved by the SNPLMA Executive Committee. Any such SAR funds which are made available will count toward the cumulative total funds to be made available for Lake Tahoe Restoration Projects pursuant to Appropriation Bill 108-108, Section 341 and 342 (2003).

C. Tahoe 1151 Transfer of Funds

The Federal agencies may request an “1151 Transfer” of funds from the SNPLMA Special Account directly to the agency where those funds are intended to be passed through to non-federal entities (e.g., local governments, environmental groups, etc.) similar to grant programs. The purpose of such “1151 Transfers” is to meet the requirement of “environmental payments” to non-federal entities under the Lake Tahoe Restoration Act (114 Stat. 2354). In accordance with that Act the total of “1151 Transfers” to meet this requirement shall be \$10 million annually. The “1151 Transfer” process requires the involvement of the BLM Washington Office to facilitate the transfer. In addition, investment of the funds by the Federal agency will be required if the funds are to be “held” by the agency any longer than one week before the pass

through to the recipient. Investment of funds in the SNPLMA Special Account is a requirement of the SNPLMA legislation.

D. Tahoe Sponsoring Federal Agency Responsibility

Each sponsoring Federal agency for Lake Tahoe will be responsible for implementing their respective projects. For example, the TRSC will develop a Request for Proposals (RFP) for its Research and Monitoring Projects that are part of the Final Recommendation approved by the Secretary once funding for Lake Tahoe Restoration Projects is available. The TRSC will then administer the review of these proposals and the oversight of the Research and Monitoring projects funded through the RFP. The Federal agencies will follow the process below for obtaining funds to implement approved projects.

E. Tahoe Requests for Additional Funds

If the total project costs exceed the original approved budget amount, any funds available from the current approved round as a result of other projects being terminated or actual costs being less than estimated may be made available to cover the higher than expected costs for other projects. In such cases as these, the PCT shall notify and present the issue to the Tahoe Regional Executive Committee (TREX) for final approval to utilize funds originally designated for another project. The agency will then submit its request for a task order amendment to increase available funds for the affected project to the BLM SNPLMA Division. . The request should include a copy of the TREX approval document and, if not included in that document, an explanation of project(s) from which funds are being diverted. This is critical in order for the NSO Division to adjust to ensure that all necessary task orders are amended to show the revised amounts available for the affected projects.

If additional funds are not available from other projects through the above process to cover cost overruns for Lake Tahoe Restoration Projects, Federal agencies may be request approval by the Executive Committee for additional funds from the SNPLMA Special Account Reserve (SAR) as explained earlier. The request must be submitted to the SNPLMA Division which will coordinate for Executive Committee for approval. SAR funds provided for Lake Tahoe projects will count toward the cumulative amount authorized for such projects pursuant to Appropriation Bill 108-108.

F. Tahoe Reprogramming of Approved Funds

The approved funding available for Lake Tahoe projects in each SNPLMA round may be reprogrammed from the Primary Category to the Secondary Category in the event that a project(s) in the Primary Category becomes infeasible or actual costs are less than estimated costs. In such event, the PCT shall notify and present the issue to the TREX for final approval. The agency will then submit its request for a task order amendment(s) to reduce funding or terminate funding for the affected Primary Category project(s) and create a task order for the Secondary Category project which is to be funded. The request shall include a copy of the TREX approval document and an explanation of which project(s) are impacted within each category (e.g., decreasing funds by a specific amount, terminating a project, etc.). This is critical

in order for the NSO Division create accurate obligations as well as to maintain accurate financial records and tracking documents as well as ensure that all necessary task orders are amended to show the revised amounts available for the affected projects.

G. Tahoe Requests for Change in Scope

If a project cannot be completed as described in the nomination and approved by the Secretary (reduced or altered scope), the Federal agency may elect to either terminate the project or request approval of a change in scope by the Tahoe Regional Executive Committee (TREX). Changes in scope are discouraged, as there is a responsibility to utilize funds to complete the project as approved by the Secretary. However, the TREX may consider extreme or unusual extenuating circumstances. Requests for approval of a change of scope should be made prior to the initial task order if at all possible, or as soon as circumstances preventing completion of the project as nominated and approved are known. Following TREX approval of a change in scope, the agency submits a request for an initial task order or request to amend the project task order to reflect the change in scope to the NSO Division of Support Services. The request must explain the change in scope, any impact on funding, source of any additional funds if such is needed, and include a copy of the TREX decision document authorizing the change in scope.

H. Tahoe Requests for Time Extensions

If the project cannot be completed by the date identified in the task order, the agency must request an Amendment to extend the Task Order. The request must be submitted to the SNPLMA Division and include a justification statement. The NSO Division can approve a one time extension request of six months or less for projects; however, the Tahoe Regional Executive Committee must rule on additional time extension requests and requests greater than six months.

I. Tahoe Reimbursement/Payment Documentation Package.

Reimbursement request packages are to be submitted to the USDA Forest Service designated representative. The USDA Forest Service will serve a role similar to a project inspector by certifying “acceptance of the project as a qualified restoration project under the applicable law(s).” For Round 5 projects where multiple IGOs were utilized, the USDA Forest Service representative will review the IGO reimbursement package and certify that the completed product/deliverable is acceptable and consistent with the scope of the approved project. The USDA Forest Service will then forward the reimbursement package along with its “Certification of Acceptability” or, if appropriate, statement regarding acceptability to the completed product/deliverable to the SNPLMA Division.

After Receipt of the reimbursement package and USDA Forest Service “Certification of Acceptability” of the project product/deliverable, the SNPLMA Division will review the reimbursement package to ensure (a) all necessary documents are included, (b) accuracy of mathematical computations, and (c) only reimbursement of necessary expenses are included. The SNPLMA Division will then authorize payment for necessary expenses and maintain a file of documents to support the disbursement from the Special Accounts. No funds will be reimbursed for expenditures made prior to the Secretary’s approval of the project. Any

exception to this rule would have to be approved by the Secretary through the Decision Document for the affected round. Necessary expenses incurred after the Secretarial approval, but prior to issuance of a notification of available funding are reimbursable.

There is more than one possible reimbursement mechanism. When a single task order is issued for the full amount available for the project, reimbursement may be made at the completion of the project. When agencies elect to utilize multiple task orders for larger or multi-year projects, reimbursement will be made upon completion of the end product/deliverable identified in each task order. In no case shall the receiving agency initiate a payment (IPAC transaction) prior to receiving notification that the NSO Division of Support Services has approved the reimbursement package for payment.

Virgin River MSHCP

Section 901 of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (P.L. 107-282) amends the Mesquite Lands Act by providing that the proceeds of sale of certain land to the City of Mesquite to be used first to develop a multispecies habitat conservation plan for the Virgin River and only after that plan is complete for the other project categories identified in SNPLMA. The FWS U.S. Fish & Wildlife Service has been selected to take the lead on development of a MSHCP for the Virgin River. FWS is eligible to receive funding for projects to develop a Virgin River MSHCP, however, nominations for Secretarial approval are not required since Congress designated the Mesquite Land Sale funds for this purpose. Therefore, no ranking criteria are provided as part of the SNPLMA Implementation Agreement. FWS is, therefore, the agency to which the IGOs (item number one in the flow chart) or transfers are issued to make funds made available for this task. Thus, the process for the Virgin River MSHCP projects began when the FWS submitted the required documentation for an IGO.

XIII. SPECIAL ACCOUNTS RESERVES (SAR)

During each Round, the Secretary may be asked to approve a specific amount as a reserve for each special account. The primary purpose of the Special Accounts Reserves (SAR) is to fund unexpected shortfalls between estimated and actual costs for approved projects. SAR funds may also be requested to respond to safety issues that pose an imminent threat and require immediate remediation, and respond to unique opportunities or unanticipated circumstances that require fast action. (Such requests for new urgent or emergency projects require Secretary approval.) SAR funds are expended as directed by the Executive Committee during the Round in which they were approved. When a new Round is approved, any funds not yet allocated or obligated from the previous Round's SAR become part of the revenue available to fund the new Round as approved by the Secretary.

Requests to Cover Unexpected Shortfalls Between Estimated and Actual Costs

SAR requests shall be submitted in writing to the BLM – Las Vegas Field Office Division of SNPLMA Acquisition, Improvement, and Conservation Programs. Requests should include an